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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA
10 SAN JOSE DIVISION

11 UNITED STATES OF AMERICA,)	No. CR-10-00655 JF
)	
12 Plaintiff,)	STIPULATION AND [PROPOSED]
)	ORDER CONTINUING HEARING AND
13 vs.)	EXCLUDING TIME UNDER THE SPEEDY
)	TRIAL ACT
14 ROSALIO LOPEZ-PEREZ,)	
)	
15 Defendant.)	
_____)	

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17 **STIPULATION**

18 Defendant Rosalio Lopez-Perez, by and through Assistant Federal Public Defender
19 Nicholas P. Humy, and the United States, by and through Special Assistant United States
20 Attorney Bradley D. Price, hereby stipulate that, subject to the Court's approval, the hearing set
21 for Thursday, November 4, 2010, at 9:00 a.m., shall be continued to Thursday, December 2,
22 2010, at 9:00 a.m.

23 The reason for the requested continuance is that defense counsel will be unavailable on
24 November 4, 2010, due to illness; November 11th and November 25th are both federal holidays;
25 and defense counsel will be unavailable on November 18th due to his medical treatment
26 schedule.

1 The parties agree that the time between November 4, 2010, and December 2, 2010, is
2 excludable under the Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(A) and (B)(iv), for continuity of
3 counsel and effective preparation by defense counsel.

4 IT IS SO STIPULATED.

5 Dated: November 2, 2010

6
7 /s/
NICHOLAS P. HUMY
Assistant Federal Public Defender

8
9 Dated: November 2, 2010

10 /s/
BRADLEY D. PRICE
Special Assistant United States Attorney

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12
13 ~~{PROPOSED}~~ **ORDER**

14 GOOD CAUSE APPEARING, upon stipulation of the parties, IT IS HEREBY
15 ORDERED that the hearing currently set for Thursday, November 4, 2010, shall be continued to
16 Thursday, December 2, 2010, at 9:00 a.m.

17 THE COURT FINDS that failing to exclude the time between November 4, 2010, and
18 December 2, 2010, would unreasonably deny the defendant's continuity of counsel, and would
19 unreasonably deny counsel the reasonable time necessary for effective preparation, taking into
20 account the exercise of due diligence. See 18 U.S.C. § 3161(h)(7)(B)(iv).

21 THE COURT FURTHER FINDS that the ends of justice served by excluding the time
22 between November 4, 2010, and December 2, 2010, from computation under the Speedy Trial
23 Act outweigh the interests of the public and the defendant in a speedy trial.

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